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HOUSE OF REPRESENTATIVES }

REPORT

No. 97-710

COMPLETED

ORIGINAL

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACQUIRE BY
EXCHANGE CERTAIN LANDS WITHIN THE INDIANA DUNES
NATIONAL LAKESHORE IN THE STATE OF INDIANA

AUGUST 10, 1982.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 6029]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 6029) to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert in lieu thereof the following:

That (a) notwithstanding the fourth sentence of section 2(a) of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-1(a)), or any other provision of law, the Secretary of the Interior is authorized—

(1) to accept from the State of Indiana the conveyance of 69.17 acres of land located within area IV-A, as designated on the map referred to in the first section of such Act (16 U.S.C. 460u), commonly known as "Blue Heron Rookery", and

(2) in exchange for such conveyance, to convey to the State of Indiana 31.26 acres of land located within area IV, as designated on such map, commonly known as "Hoosier Prairie".

(b) The Secretary of the Interior may not carry out the conveyance specified in subsection (a) (2) unless, simultaneously with such conveyance and in consideration of such conveyance, the State of Indiana—

(1) transfers to the Secretary all right, title, and interest in the land described in subsection (a) (1);

(2) enters into a recordable agreement satisfactory to the Secretary providing that—

(A) the State will not use, or permit the use, of the land described in subsection (a) (2) for any purpose other than the interpretation and public appreciation and use of the Hoosier Prairie Unit of the Indiana Dunes National Lakeshore;

(B) the State will not transfer any right, title, or interest in, or control over, any land described in subsection (a) (2) to any person other than the Secretary;

(C) the State will permit access by the Secretary at reasonable times to the land described in subsection (a) (2); and

(D) upon a final determination by the Secretary that

(i) the State has failed to comply with the requirements of subparagraph (A) or (B), and

(ii) after receipt of notice from the Secretary respecting such failure, the State has failed or refused to comply with such requirements

all right, title, and interest in such land shall revert to the United States for administration by the Secretary as part of the lakeshore.

The Secretary may make a determination under subparagraph (D) only after notice and opportunity for hearing on the record. The reversion under subparagraph (D) shall take effect upon publication of such determination by the Secretary in the *Federal Register* without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States Court of Appeals for the appropriate circuit within 90 days following such publication. In any such action the court may issue such orders as appropriate to carry out the requirements of this subsection.

PURPOSE

H.R. 6029 would authorize the Secretary of the Interior to acquire from the State of Indiana certain lands within the Blue Heron Rookery of the Indiana Dunes National Lakeshore in exchange for the conveyance to the State of certain lands within the Hoosier Prairie Unit of the national lakeshore.

BACKGROUND AND NEED

The Indiana Dunes National Lakeshore was established by the Congress under the Act of November 5, 1966 (Public Law 89-761; 80 Stat. 1309). That Act provides authority to the Secretary of the Interior to exchange lands in furtherance of the purposes for which the national lakeshore was authorized. Section 2(a) of the Act, however, stipulates that the "Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary * * *". The appraised values of the tracts to be exchanged under H.R. 6029 are not equal, although the exchange is desirable from the standpoint of the National Park Service.

H.R. 6029 would authorize the Secretary, without regard to the requirements of Section 2(a) relating to unequal values and requirements for monetary payments, to exchange 31 acres of land within the Hoosier Prairie Unit of the national lakeshore (presently owned by the National Park Service) for 69 acres of land within the Blue Heron Rookery Unit (owned by the State of Indiana).

The land within the Hoosier Prairie Unit, which the Secretary would convey to the State, has been appraised at \$200,000; the land within the Blue Heron Rookery, which the State would convey to the Secretary, has been appraised at \$77,000. The Hoosier Prairie land, owned by the United States, is inflated in its market value by commercial and residential activity nearby in the vicinity of Griffith, Indiana while the State's Blue Heron Rookery property is deflated by the lack of pressure for development in a rural area.

Presently the Hoosier Prairie Unit comprises some 330 acres, of which the State of Indiana owns about 300 acres. The area is managed by Indiana as a state nature preserve. The remaining property within the unit, 31.26 acres in federal ownership, would upon exchange be used by the state to site parking facilities and a visitor contact station for the preserve. The 31.26 acres constitute probably the least sizable parcel within the Hoosier Prairie Unit. However, it has been previously grazed and tilled, with the result that a number of alien species have invaded to compete with the native prairie species. The land was purchased in 1978 by the National Park Service for \$185,000. The Hoosier Prairie is a detached unit approximately 30 miles south of the major portions of Indiana Dunes National Lakeshore. Consistent with the general management plan for Indiana Dunes, the National Park Service believes the transfer of the 31.26 acres will further the administration of the Hoosier Prairie Unit by the State.

The Blue Heron Rookery Unit at Indiana Dunes National Lakeshore contains 388 acres. The National Park Service presently manages this unit as a Great Blue Heron Rookery with ongoing research being conducted by park scientists. As stated in the general management plan, the National Park Service will manage this unit primarily to provide protection to the nesting herons and their habitat with minimal human intrusion. The State holds title to 69.17 acres within the Blue Heron Rookery Unit. The Indiana Department of Corrections transferred title to this land to the Indiana Department of Natural Resources specifically for the purpose of exchange with the National Park Service.

The land within the Hoosier Prairie Unit to be conveyed to the State, as well as the land within the Blue Heron Rookery Unit, would remain within the authorized boundaries of the Indiana Dunes National Lakeshore.

The Subcommittee on Public Lands and National Parks held a hearing on the bill on July 2, 1982. The Administration presented testimony strongly supporting passage of the legislation, with the addition of a clarifying amendment; the addition was found to be unnecessary, however, as the clarification related to the Senate version of the legislation and had already been incorporated in H.R. 6029 as introduced.

Concern was raised by the Committee, however, about the long-term use of the lands in the Hoosier Prairie Unit which would be conveyed by the Secretary to the State of Indiana. The Committee believes that the State's proposed use of the land for a visitor contact station and parking lot is compatible with the purposes of the unit. However, because of development pressures in the area around the unit, it was felt that provisions should be made to assure the continued compatible uses of the land conveyed to the State and to require the land to revert to the Federal government should it no longer be used for such compatible uses. A reversion provision was thus incorporated in an amendment in the nature of a substitute to H.R. 6029 and approved by the Committee.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the Secretary of the Interior to accept from the State of Indiana the conveyance of 69.17 acres of land located within the Blue Heron Rookery Unit of the Indiana Dunes National Lakeshore and, in exchange for such conveyance, to convey to the State of Indiana 31.26 acres of land within the Hoosier Prairie Unit of the national lakeshore.

Subsection (b) provides that the Secretary may not carry out the conveyance of lands in the Hoosier Prairie Unit to the State of Indiana unless the State simultaneously transfers to the Secretary all right, title and interest in the land within the Blue Heron Rookery Unit, as described in subsection (a) (1), and enters into a recordable agreement satisfactory to the Secretary, the terms of which are specified in the legislation.

OVERSIGHT STATEMENT

None of the matters contained in H.R. 6029 has been the subject of any reports or recommendations from the Committee on Government Operations under rule X clause 2(b) (2) of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1) (4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 6029, as amended, will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

The analysis of Congressional Budget Office, which the Committee adopts as its own, follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 4, 1982.

Hon. MORRIS K. UDALL,
*Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6029, a bill to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana, as ordered reported by the House Committee on Interior and Insular Affairs, August 4, 1982.

The bill authorizes the Secretary of the Interior to accept from the State of Indiana the 69-acre area known as the Blue Heron Rookery in exchange for the conveyance to the State of Indiana of the 31-acre area known as Hoosier Prairie.

This exchange has already been agreed to by the Department of the Interior (DOI) and the State of Indiana, and Indiana is presently occupying the Hoosier Prairie under a temporary agreement. The Blue Heron Rookery abuts land presently held by the DOI, and any additional monitoring or maintenance costs are expected to be negligible. The DOI has no plans, at present, to improve the newly attained area and the bill does not authorize any funds to do so.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 6029 was introduced on April 1, 1982. The Subcommittee on Public Lands and National Parks held a hearing on the bill on July 2, 1982. On July 29, 1982 the bill was recommended to the full Committee which ordered it reported, as amended, by voice vote on August 4, 1982. The Committee recommends its approval by the House.

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